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EXAMINER

RYAN, PATRICK A

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,149	<b>Applicant(s)</b> RAMASWAMY ET AL.	
	<b>Examiner</b> PATRICK A. RYAN	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Disposition of Claims: Claims pending in the application are 1,4,5,7,9-11,16-18,20-29,31-33,37-39,42,60,61,63,65,72,74,76,78,80-82,95,102 and 107-112.

Continuation of Disposition of Claims: Claims rejected are 1,4,5,7,9-11,16-18,20-29,31-33,37-39,42,60,61,63,65,72,74,76,78,80-82,95,102 and 107-112.

### **DETAILED ACTION**

1. This Office Action is made in reply to Response to Election/Restriction, filed March 24, 2009. Applicant has cancelled Claims 45-52, 55, 56, 59, and 66-71. As elected, Claims 1, 4, 5, 7, 9-11, 16-18, 20-29, 31-33, 37-39, 42, 60, 61, 63, 65, 72, 74, 76, 78, 80-82, 95, 102 and 107-112 are presented for examination.

### ***Election/Restrictions***

2. Applicant's election without traverse of Claims 1, 4, 5, 7, 9-11, 16-18, 20-29, 31-33, 37-39, 42, 60, 61, 63, 65, 72, 74, 76, 78, 80-82, 95, 102 and 107-112 in the reply filed on March 24, 2009 is acknowledged.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, 4, 5, 7, 9-11, 16-18, 20-29, 31-33, 37-39, and 42 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular

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machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The “method to monitor exposure” including steps of “determining server metering data”, “determining subscriber metering data”, and “combining the subscriber metering data and the server metering data” is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent. For example, as claimed, the “method to monitor exposure” could be performed by an individual observing a subscriber's interaction with television content because the method is not particularly tied to a machine for performing the claimed process.

### ***Double Patenting***

5. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 1 of copending Application No. 11/550,261 ('261). Although the conflicting claims are not identical, they are not patentably distinct from each other because:

6. Claim 1 of the instant application and Claim 1 of '261 recite the limitations

A method to monitor exposure to selected video-on-demand (VOD) content the method comprising:

Instant Application: “determining server metering data corresponding to a VOD server configured to provide a plurality of VOD content to a plurality of subscribers”

'261: “determining server metering data corresponding to a VOD server configured to provide the VOD content to the subscriber site”

Instant Application: “determining subscriber metering data corresponding to media content provided to a subscriber site”

‘261: “determining subscriber metering data reflecting presentation of VOD media content to a subscriber site”

Instant Application: “combining the subscriber metering data and the server metering data to monitor the selected VOD content provided to the subscriber site”

‘261: “merging the subscriber metering data and the server metering data based on the at least a portion of the subscriber metering data and the at least a portion of the server metering data”

Although the claims are not identical they are commiserate in scope. For example, the Examiner construes a process of "merging" to be a process of "combining" because the act of combining two or more objects can not be performed with out merging the objects. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1, 4, 5, 7, 9-11, 16-18, 20-29, 31-33, 37-39, 42, 60, 61, 63, 65, 72, 74, 76, 78, 80-82, 95, 102 and 107-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aras et al. United States Patent (5,872,588) hereinafter “Aras”, in view of Link et al. United States Patent (6,289,514 B1) hereinafter “Link”.

9. In regards to Claim 1, Aras teaches a method to monitor exposure to selected video-on-demand (VOD) content (collection of data on behavior of subscribers to audio-visual materials such as VOD content, as introduced in Col. 6 Lines 32-54 and Col. 13 Line 24—Col. 14 Line 24; with further reference to Fig. 6, as introduced in Col. 14 Lines 25-43 and Col. 12 Lines 39-54), the method comprising:

determining server metering data corresponding to a VOD server configured to provide a plurality of VOD content to a plurality of subscribers (Audio-Visual Identifiers (AVIs), as introduced in Col. 7 Lines 31-67; with further reference to Content and Network related Extension Fields of Tables II and III, as described in Col. 9 Line 17—Col. 10 Line 7);

determining subscriber metering data corresponding to media content provided to a subscriber site (“Behavior Collection & Reporting”, as introduced in Col. 13 Line 24—Col. 14 Lines 24 and shown in Fig. 6(i), as described in Col. 17 Line 23—Col. 18 Line 9; with further reference to Behavior Collection Table (BCT), as introduced in Col. 20 Lines 15-33 and shown in Figs. 10-13); and

Aras describes a method performed by Behavior Collection Center (BCC) 121 of Fig. 4a for taking information collected by various home stations and processing it for various marketing, broadcast planning, advertising, and Audio-Video Material (AVM)

provider organizations (as disclosed in Col. 12 Lines 51-54). Aras additionally discloses in Col. 13 Lines 7-23 that the BCC 121 will collect, collate, analyze, and process the information so that it can be provided to various advertising agencies, marketing agencies, and AV material. However, Aras is unclear if the BCC 121 performs the step a of combining the subscriber metering data and the server metering data to monitor the selected VOD content provided to the subscriber site.

In a similar field of invention, Link discloses a system and method for capturing and reporting consumer behaviors concerning television use (Abstract, Fig. 1, and Fig. 8). Link discloses the use of Asset Code Server 202 of Fig. 1A for assigning a range of codes to an entity, such as a company or organization (as discussed in Col. 5 Lines 23-31). Link further discloses monitoring subscriber behavior at STB 207 of Fig. 1B and reporting any interesting action which is considered significant (as disclosed in Col. 6 Lines 7-17). Link additionally teaches the use of Asset Viewer Ship Consolidator 214 operating in accordance with the method of Fig. 8 to combined the asset tag timestamp records 110 for the head end 301 with the STB aggregate data 109 to determine the consumer behavior with regards to individual assets (as disclosed in Col. 10 Line 40—Col. 11 Line 39).

Both Aras and Link teach similar techniques and systems for monitoring and reporting user interaction with television content. Aras teaches monitoring and collecting data regarding users' interaction with VOD content, which is then sent to BCC 121 for processing in accordance with AVI data provided by Content and Network providers. Link additionally teaches Asset Viewer Ship Consolidator 214, operating in a



similar fashion to BCC 121 of Aras, for the purpose of combining distributor and consumer data for the purpose of determining consumer behavior with regard to television content (in accordance with Fig. 8). Therefore, one of ordinary skill in the art at the time of the invention would have recognized that the functionality of BCC 121 of Aras and Asset Viewer Ship Consolidator 214 are usable together. Additionally, one of ordinary skill in the art would have been motivated to employ the “combining” and “consolidating” aspects of Link with the teachings of Aras in order to create a centralized representation of users’ behavior with television content associated with data describing the content itself so that the data can be more efficiently interpreted (such as that shown in Fig. 9 of Link).

10. In regards to Claim 4, the combination of Aras and Link teaches a method as defined in Claim 1 wherein the server metering data comprises VOD content metadata (Aras demonstrates “Application Category” such as for identifying VOD content, as shown in Table II of Col. 10; with further reference to “Title”, “Description”, and “Rating” of Table VI in Col. 11, as described in Col. 9 Line 17—Col. 10 Line 9 and Col. 26 Line 62—Col. 27 Line 4).

11. In regards to Claim 5, the combination of Aras and Link teaches a method as defined in Claim 1 wherein the server metering data comprises VOD content identification information (Aras demonstrates “Application Category” such as for identifying VOD content, as shown in Table II of Col. 10; with further reference to “Title”, “Description”, and “Rating” of Table VI in Col. 11, as described in Col. 9 Line 17—Col. 10 Line 9 and Col. 26 Line 62—Col. 27 Line 4).

12. In regards to Claim 7, the combination of Aras and Link teaches a method as defined in Claim 1 wherein the server metering data comprises subscriber identification information (Aras discloses Home Station Identification Number 1401 and Subscriber Number 1403, as described in Col. 17 Lines 30-38; with further reference to “cost field”, as described in Col. 23 Lin 55—Col. 24 Line 26).

13. In regards to Claim 9, the combination of Aras and Link teaches a method as defined in Claim 1 wherein the server metering data comprises VOD server information (Network Provider ID of Table III of Col. 10, as described in Col. 9 Lines 17-29).

14. In regards to Claim 10, the combination of Aras and Link teaches a method as defined in Claim 9 wherein the VOD server information describes a status of a VOD session initiated between the VOD server and the subscriber site (Aras teaches Command Capture for VOD, as described in Col. 23 Lines 27-54).

15. In regards to Claim 11, the combination of Aras and Link teaches a method as described in Claim 10 wherein the status of the VOD session corresponds to at least one of beginning the VOD session, ending the VOD session, providing informational status, starting a VOD stream during the VOD session, stopping a VOD stream during the VOD session, performing a navigation operation during the VOD session or performing a trickmode during the VOD session (Aras teaches tracking VOD navigation operations such as pause, rewind, slomo, and fast forward, as disclosed in Col. 23 Lines 27-38).

16. In regards to Claim 16, the combination of Aras and Link teaches a method as defined in Claim 1 wherein the subscriber metering data comprises VOD activity

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information (Aras teaches tracking VOD navigation operations such as pause, rewind, slomo, and fast forward, as disclosed in Col. 23 Lines 27-38; with further reference to additional user interactions described in Col. 13 Line 65—Col. 14 Line 24).

17. In regards to Claim 17, the combination of Aras and Link teaches a method as defined in Claim 16 wherein the VOD activity information comprises a VOD virtual channel selected to receive the selected VOD content (Aras teaches generation of event data based on a channel change by the subscriber, as described in Col. 14 Lines 1-24; with further reference to Fig. 6c, as described in Col. 34-57. Link additionally describes virtual channel numbers in Col. 11 Lines 2-4).

18. In regards to Claim 18, the combination of Aras and Link teaches a method as defined in Claim 1 wherein the subscriber metering data comprises VOD content identification information (Aras teaches VOD application the subscribers screen may contain title, category of movie to be viewed, the rating, and the mode, as disclosed in Col. 23 Lines 55-66).

19. In regards to Claim 20, the combination of Aras and Link teaches a method as defined in Claim 1 wherein the subscriber metering data comprises VOD content metadata (Aras teaches VOD application the subscribers screen may contain title, category of movie to be viewed, the rating, and the mode, as disclosed in Col. 23 Lines 55-66).

20. In regards to Claim 21, the combination of Aras and Link teaches a method as defined in Claim 1 wherein the subscriber metering data comprises at least one of a public or private content identifier included in a data bit stream used to carry the

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selected VOD content (Aras teaches AVI information can be inserted as private data, as disclosed in Col. 13 Lines 44-46; with further reference to Col. 22 Lines 43-58).

21. In regards to Claim 22, the combination of Aras and Link teaches a method as defined in Claim 21 wherein the at least one of the public or private content identifier corresponds to at least one of an MPEG-2 data field or an AC3 data field (Aras teaches the private data is corresponds to an MPEG-2 transport stream, as disclosed in Col. 13 Lines 34-52).

22. In regards to Claim 23, the combination of Aras and Link teaches a method as defined in Claim 1 wherein the subscriber metering data comprises viewing information (Aras teaches a tracking a variety of subscriber interactions (i.e. "events") such as channel change and trick play operations, as described in Col. 14 Lines 8-24).

23. In regards to Claim 24, the combination of Aras and Link teaches a method as defined in Claim 23 wherein the viewing information comprises at least one of content codes or content signatures (Aras teaches monitoring of AVMs selected by the subscriber for presentation, as described in Col. 13 Lines 24-58).

24. In regards to Claim 25, the combination of Aras and Link teaches a method as defined in Claim 23 wherein the viewing information comprises an indicator corresponding to whether a subscriber viewing device is turned ON (Aras teaches Power Off Event, as described in Col. 16 Lines 34-51 and shown in Fig. 6e).

25. In regards to Claim 26, the combination of Aras and Link teaches a method as defined in Claim 23 wherein the viewing information corresponds to operating states associated with presenting the selected VOD content (Aras teaches a tracking a variety

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of subscriber interactions (i.e. “events”) such as channel change and trick play operations, as described in Col. 14 Lines 8-24).

26. In regards to Claim 27, the combination of Aras and Link teaches a method as defined in Claim 26 wherein the operating states comprise at least one of a play state, a resume state, a mute state, a pause state, a rewind state or a fast-forward state (Aras teaches VOD interactions such as pause, rewind, slomo, and fast forward, as disclosed in Col. 23 Lines 27-38).

27. In regards to Claim 28, the combination of Aras and Link teaches a method as defined in Claim 1 wherein the subscriber metering data comprises subscriber identification information (Aras discloses Home Station Identification Number 1401 and Subscriber Number 1403, as described in Col. 17 Lines 30-38).

28. In regards to Claim 28, the combination of Aras and Link teaches a method as defined in Claim 28 wherein the subscriber identification information comprises at least one of a set-top box identifier, a VOD content order request or VOD billing information (Aras discloses Home Station Identification Number 1401 and Subscriber Number 1403, as described in Col. 17 Lines 30-38, where Home Station can be a set-top box, as described in Col. 24 Lines 29-43).

29. In regards to Claim 31, the combination of Aras and Link teaches a method as defined in Claim 1 wherein the subscriber metering data is stored in at least one viewing record (Aras teaches BCTs of Figs. 10-13 stored at Home Station, as described in Col. 20 Lines 15-33).

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30. In regards to Claim 32, the combination of Aras and Link teaches a method as defined in Claim 31 wherein the viewing record comprises at least one of a home unit identifier or a set-top box identifier (Aras discloses Home Station Identification Number 1401 and Subscriber Number 1403, as described in Col. 17 Lines 30-38, where Home Station can be a set-top box, as described in Col. 24 Lines 29-43).

31. In regards to Claim 33, the combination of Aras and Link teaches a method as defined in Claim 31 wherein the subscriber metering data is timestamped (Aras teaches BCTs of Figs. 12 and 13 recording Start Times and End Times, as described in Col. 20 Lines 34-40).

32. In regards to Claim 37, the combination of Aras and Link teaches a method as defined in Claim 1 wherein combining the subscriber metering data and the server metering data comprises augmenting the subscriber metering data with at least selected portions of the server metering data (Link teaches combination of asset timestamp records 110 for the head end 301 with the STB aggregated data 109, as described in Col. 10 Lines 51-65).

33. In regards to Claim 38, the combination of Aras and Link teaches a method as defined in Claim 1 wherein combining the subscriber metering data and the server metering data comprises projecting the server metering data onto the subscriber metering data based on statistical characteristics common to the subscriber metering data and the server metering data (Link teaches a process of matching channel line up data, published schedule data, and timestamp data, as shown in Fig. 8 and described in

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Col. 11-39. Aras additionally discloses the use of a subscriber profile, as described in Col. 24 Lines 11-26).

34. In regards to Claim 39, the combination of Aras and Link teaches a method as defined in Claim 1 wherein combining the subscriber metering data and the server metering data comprises projecting a plurality of subscriber metering data onto the server metering data based on statistical characteristics common to the plurality of subscriber metering data and the server metering data (Link teaches a process of matching channel line up data, published schedule data, and timestamp data, as shown in Fig. 8 and described in Col. 11-39. Aras additionally discloses the use of a subscriber profile, as described in Col. 24 Lines 11-26).

35. In regards to Claim 42, the combination of Aras and Link teaches a method as defined in claim 1 wherein combining the subscriber metering data and the server metering data comprises verifying the subscriber metering data based on the server metering data (Link teaches verifying subscriber and headend data by way of Channel Line Up table, as described in Col. 11 Lines 25-36).

36. In regards to Claim 60, Aras teaches an article of manufacture storing machine readable instructions (operations of BCC 121 of Fig. 4A in accordance with Fig. 6, as introduced in Col. 14 Lines 25-43 and Col. 12 Lines 39-54; with further reference to Col. 6 Lines 1-28) that, when executed, cause a machine to:

determine server metering data corresponding to a VOD server configured to provide a plurality of VOD content to a plurality of subscribers (Audio-Visual Identifiers

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(AVIs), as introduced in Col. 7 Lines 31-67; with further reference to Content and Network related Extension Fields of Tables II and III, as described in Col. 9 Line 17—Col. 10 Line 7);

determine subscriber metering data corresponding to media content provided to a subscriber site (“Behavior Collection & Reporting”, as introduced in Col. 13 Line 24--Col. 14 Lines 24 and shown in Fig. 6(i), as described in Col. 17 Line 23—Col. 18 Line 9; with further reference to Behavior Collection Table (BCT), as introduced in Col. 20 Lines 15-33 and shown in Figs. 10-13);

Aras describes a method performed by Behavior Collection Center (BCC) 121 of Fig. 4a for taking information collected by various home stations and processing it for various marketing, broadcast planning, advertising, and Audio-Video Material (AVM) provider organizations (as disclosed in Col. 12 Lines 51-54). Aras additionally discloses in Col. 13 Lines 7-23 that the BCC 121 will collect, collate, analyze, and process the information so that it can be provided to various advertising agencies, marketing agencies, and AV material. However, Aras is unclear if the BCC 121 performs the operation to combine the subscriber metering data and the server metering data to monitor the selected VOD content provided to the subscriber site.

In a similar field of invention, Link discloses a system and method for capturing and reporting consumer behaviors concerning television use (Abstract, Fig. 1, and Fig. 8). Link discloses the use of Asset Code Server 202 of Fig. 1A for assigning a range of codes to an entity, such as a company or organization (as discussed in Col. 5 Lines 23-31). Link further discloses monitoring subscriber behavior at STB 207 of Fig. 1B and



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reporting any interesting action which is considered significant (as disclosed in Col. 6 Lines 7-17). Link additionally teaches the use of Asset Viewer Ship Consolidator 214 operating in accordance with the method of Fig. 8 to combined the asset tag timestamp records 110 for the head end 301 with the STB aggregate data 109 to determine the consumer behavior with regards to individual assets (as disclosed in Col. 10 Line 40—Col. 11 Line 39).

Both Aras and Link teach similar techniques and systems for monitoring and reporting user interaction with television content. Aras teaches monitoring and collecting data regarding users' interaction with VOD content, which is then sent to BCC 121 for processing in accordance with AVI data provided by Content and Network providers. Link additionally teaches Asset Viewer Ship Consolidator 214, operating in a similar fashion to BCC 121 of Aras, for the purpose of combining distributor and consumer data for the purpose of determining consumer behavior with regard to television content (in accordance with Fig. 8). Therefore, one of ordinary skill in the art at the time of the invention would have recognized that the functionality of BCC 121 of Aras and Asset Viewer Ship Consolidator 214 are usable together. Additionally, one of ordinary skill in the art would have been motivated to employ the "combining" and "consolidating" aspects of Link with the teachings of Aras in order to create a centralized representation of users' behavior with television content associated with data describing the content itself so that the data can be more efficiently interpreted (such as that shown in Fig. 9 of Link).

37. In regards to Claim 61, the combination of Aras and Link teaches an article of manufacture as defined in Claim 60 wherein the server metering data comprises at least one of VOD content metadata, VOD content identification information, subscriber identification information or VOD server information (Aras demonstrates “Application Category” such as for identifying VOD content, as shown in Table II of Col. 10; with further reference to “Title”, “Description”, and “Rating” of Table VI in Col. 11, as described in Col. 9 Line 17—Col. 10 Line 9 and Col. 26 Line 62—Col. 27 Line 4).

38. In regards to Claim 63, the combination of Aras and Link teaches an article of manufacture as defined in Claim 60 wherein the subscriber metering data comprises at least one of VOD activity information, VOD content identification information, VOD content metadata, viewing information, subscriber identification information or audience demographics (Aras teaches tracking VOD navigation operations such as pause, rewind, slomo, and fast forward, as disclosed in Col. 23 Lines 27-38; with further reference to additional user interactions described in Col. 13 Line 65—Col. 14 Line 24).

39. In regards to Claim 65, the combination of Aras and Link teaches an article of manufacture as defined in claim 60 wherein the machine readable instructions, when executed, cause the machine to combine the subscriber metering data and the server metering data by at least one of augmenting or verifying the subscriber metering data with at least selected portions of the server metering data (Link teaches a process of matching channel line up data, published schedule data, and timestamp data, as shown in Fig. 8 and described in Col. 11-39. Aras additionally discloses the use of a subscriber profile, as described in Col. 24 Lines 11-26).

40. In regards to Claim 72, Aras teaches a system to monitor exposure to selected VOD content (operations of system of Fig. 4A for collecting data on behavior of subscribers to audio-visual materials such as VOD content, as introduced in Col. 6 Lines 32-54 and Col. 13 Line 24—Col. 14 Line 24; with further reference to Fig. 6, as introduced in Col. 14 Lines 25-43 and Col. 12 Lines 39-54), the system comprising:

a metering server interface to determine server metering data corresponding to a VOD server configured to provide a plurality of VOD content to a plurality of subscribers (ITV Server 103 of Fig. 4A, as described in Col. 13 Lines 7-23; with further reference to Col. 4 Line 58—Col. 5 Line 4 for providing Audio-Visual Identifiers (AVIs), as introduced in Col. 7 Lines 31-67; with further reference to Content and Network related Extension Fields of Tables II and III, as described in Col. 9 Line 17—Col. 10 Line 7);

a metering home interface configured to determine subscriber metering data corresponding to media content provided to a subscriber site (operations of Monitor 1555 of Home Station shown in Fig. 15 and further detailed in Figs. 16 and 17, as described in Col. 24 Line 56—Col. 25 Line 41 and Col. 25 Line 42—Col. 26 Line 32 for performing the process of “Behavior Collection & Reporting”, as introduced in Col. 13 Line 24--Col. 14 Lines 24 and shown in Fig. 6(i), as described in Col. 17 Line 23—Col. 18 Line 9; with further reference to Behavior Collection Table (BCT), as introduced in Col. 20 Lines 15-33 and shown in Figs. 10-13); and

Aras describes a method performed by Behavior Collection Center (BCC) 121 of Fig. 4a for taking information collected by various home stations and processing it for

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various marketing, broadcast planning, advertising, and Audio-Video Material (AVM) provider organizations (as disclosed in Col. 12 Lines 51-54). Aras additionally discloses in Col. 13 Lines 7-23 that the BCC 121 will collect, collate, analyze, and process the information so that it can be provided to various advertising agencies, marketing agencies, and AV material. However, Aras is unclear if the BCC 121 is configured to combine the subscriber metering data and the server metering data to monitor the selected VOD content provided to the subscriber site.

In a similar field of invention, Link discloses a system and method for capturing and reporting consumer behaviors concerning television use (Abstract, Fig. 1, and Fig. 8). Link discloses the use of Asset Code Server 202 of Fig. 1A for assigning a range of codes to an entity, such as a company or organization (as discussed in Col. 5 Lines 23-31). Link further discloses monitoring subscriber behavior at STB 207 of Fig. 1B and reporting any interesting action which is considered significant (as disclosed in Col. 6 Lines 7-17). Link additionally teaches the use of Asset Viewer Ship Consolidator 214 operating in accordance with the method of Fig. 8 to combined the asset tag timestamp records 110 for the head end 301 with the STB aggregate data 109 to determine the consumer behavior with regards to individual assets (as disclosed in Col. 10 Line 40—Col. 11 Line 39).

Both Aras and Link teach similar techniques and systems for monitoring and reporting user interaction with television content. Aras teaches monitoring and collecting data regarding users' interaction with VOD content, which is then sent to BCC 121 for processing in accordance with AVI data provided by Content and Network

providers. Link additionally teaches Asset Viewer Ship Consolidator 214, operating in a similar fashion to BCC 121 of Aras, for the purpose of combining distributor and consumer data for the purpose of determining consumer behavior with regard to television content (in accordance with Fig. 8). Therefore, one of ordinary skill in the art at the time of the invention would have recognized that the functionality of BCC 121 of Aras and Asset Viewer Ship Consolidator 214 are usable together. Additionally, one of ordinary skill in the art would have been motivated to employ the “combining” and “consolidating” aspects of Link with the teachings of Aras in order to create a centralized representation of users’ behavior with television content associated with data describing the content itself so that the data can be more efficiently interpreted (such as that shown in Fig. 9 of Link).

41. In regards to Claim 74, the combination of Aras and Link teaches a system as defined in Claim 72 wherein the server metering data comprises at least one of VOD content metadata, VOD content identification information, subscriber identification information or VOD server information (Aras demonstrates “Application Category” such as for identifying VOD content, as shown in Table II of Col. 10; with further reference to “Title”, “Description”, and “Rating” of Table VI in Col. 11, as described in Col. 9 Line 17—Col. 10 Line 9 and Col. 26 Line 62—Col. 27 Line 4).

42. In regards to Claim 76, the combination of Aras and Link teaches a system as defined in claim 72 wherein the subscriber metering data comprises at least one of VOD activity information, VOD content identification information, VOD content metadata, viewing information, subscriber identification information or audience demographics

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(Aras teaches tracking VOD navigation operations such as pause, rewind, slomo, and fast forward, as disclosed in Col. 23 Lines 27-38; with further reference to additional user interactions described in Col. 13 Line 65—Col. 14 Line 24).

43. In regards to Claim 78, the combination of Aras and Link teaches a system as defined in Claim 72 wherein the metering server interface comprises a back-channel monitor to monitor back-channel information received by a VOD service provider from the subscriber site (Aras teaches “Reporting Process” of Fig. 4A; with further reference to Upstream Channel between the Home Station and the Video Distribution Node, as described in Col. 3 Lines 1-27 and transmission of BCT Table upstream, as described in Col. 17 Lines 10-56).

44. In regards to Claim 80, the combination of Aras and Link teaches a system as defined in Claim 72 wherein the metering server interface comprises a VOD server information generator configured to generate VOD server information to describe a status of a VOD session initiated between the VOD server and the subscriber site (Aras teaches Command Capture for VOD, as described in Col. 23 Lines 27-54).

45. In regards to Claim 81, the combination of Aras and Link teaches a system as defined in Claim 80 wherein the status of the VOD session corresponds to at least one of beginning the VOD session, ending the VOD session, providing informational status, starting a VOD stream during the VOD session, stopping a VOD stream during the VOD session, performing a navigation operation during the VOD session or performing a trickmode during the VOD session (Aras teaches tracking VOD navigation operations such as pause, rewind, slomo, and fast forward, as disclosed in Col. 23 Lines 27-38).

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46. In regards to Claim 82, the combination of Aras and Link teaches a system as defined in Claim 72 wherein the metering home interface comprises a set-top box monitoring interface to monitor operation of a set-top box configured to receive the media content provided to the subscriber site (Aras teaches Monitor 1555 of Home Station, such as a Set-top Box, shown in Fig. 15 and further detailed in Figs. 16 and 17, as described in Col. 24 Line 29—Col. 25 Line 41 and Col. 25 Line 42—Col. 26 Line 32).

47. In regards to Claim 95, the combination of Aras and Link teaches a system as defined in Claim 72 wherein the metering home interface comprises an on-screen display reader to process a display of a presentation device located at the subscriber site (Aras teaches Decode and Display Circuitry of Fig. 16, as described in Col. 24 Lines 29-34).

48. In regards to Claim 102, the combination of Aras and Link teaches a system as defined in Claim 72 wherein the metering home interface comprises sniffer device to monitor at least one of back-channel communications or broadcast channel communications between a VOD service provider and the subscriber site (Aras teaches AVI Decoder 1559 in conjunction with Monitor 1555 of Fig. 15 and further detailed in Fig. 17, as described in Col. 25 Line 64—Col. 26 Line 20).

49. In regards to Claim 107, the combination of Aras and Link teaches a system as defined in claim 72 further comprising a metadata tagger unit to include VOD content metadata in the selected VOD content (Aras teaches AVI encoding by head end, as described in Col. 11 Line 43--Col. 12 Line 38).

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50. In regards to Claim 108, the combination of Aras and Link teaches a system as defined in claim 107 wherein the metering server interface comprises a metadata tag collector configured to collect metadata from at least one of the plurality of VOD content (Aras teaches operations of BCC 121, as described in Col. 12 Lines 39-64).

51. In regards to Claim 109, the combination of Aras and Link teaches a system as defined in claim 107 wherein the metering home interface comprises a metadata tag extractor configured to extract metadata from the selected VOD content (Aras teaches AVI Decoder 1559 of Fig. 15, as described in Col. 24 Line 44—Col. 25 Line 4).

52. In regards to Claim 110, the combination of Aras and Link teaches a system as defined in Claim 72 wherein the central facility is configured to select at least a portion of the server metering data based on the subscriber metering data (Link teaches the use of Head End D and Virtual Channel Number to match a record in the asset timestamp 110, as described in Col. 11 Lines 21-24 and shown in Fig. 8).

53. In regards to Claim 111, the combination of Aras and Link teaches a system as defined in Claim 110 wherein the central facility is configured to select the portion of the server metering data based on a set-top box identifier included in the subscriber metering data (Link discloses STB ID database of Fig. 9, as described in Col. 11 Lines 10-46).

54. In regards to Claim 112, the combination of Aras and Link teaches a system as defined in Claim 111 wherein the central facility is configured to at least one of augment or verify the subscriber metering data with the portion of the server metering data (Link



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teaches combination of asset timestamp records 110 for the head end 301 with the STB aggregated data 109, as described in Col. 10 Lines 51-65).

### ***Conclusion***

55. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/P. A. R./

Examiner, Art Unit 2427

Tuesday, June 09, 2009

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2427